

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MONSTER ENERGY COMPANY,)	
)	Case No. 17-cv-04365
Plaintiff,)	
)	Judge John Z. Lee
v.)	
)	Magistrate Judge Young B. Kim
ZHENG SHUANG, et al.,)	
)	
Defendants.)	
)	

PRELIMINARY INJUNCTION ORDER



THIS CAUSE being before the Court on Plaintiff Monster Energy Company’s (“MEC”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A to the Amended Complaint and attached hereto (collectively, the “Defendants”).





THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet stores through which Illinois residents can purchase products bearing unauthorized copies of the Monster Energy Copyrighted Design¹ (including U.S. Copyright Registration No. VA 1-789-900) and/or using counterfeit versions of the MONSTER ENERGY Trademarks² (a list of which is included in the below





¹ “Monster Energy Copyrighted Design” has the meaning ascribed to it in the Amended Complaint [10].

² “MONSTER ENERGY Trademarks” has the meaning ascribed to it in the Amended Complaint [10].

chart) (such products collectively referred to herein as the “Unauthorized Monster Energy Products”).

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
2,903,214		Nov. 16, 2004	For: Drinks, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated and non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not in class 032.
3,057,061	MONSTER ENERGY	Feb. 7, 2006	For: fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not in class 032.
3,134,841		Aug. 29, 2006	For: Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not in class 032.

4,051,650		November 8, 2011	For: Clothing, namely, t-shirts, hooded shirts and hooded sweatshirts, sweat shirts, jackets, pants, bandanas, sweat bands and gloves; headgear, namely hats and beanies in class 025.
3,963,669		May 17, 2011	For: All-purpose sport bags; all-purpose carrying bags; backpacks; duffel bags in class 018.
3,963,668		May 17, 2011	For: Stickers; sticker kits comprising stickers and decals; decals; posters in class 016.
3,923,683		February 22, 2011	For: All-purpose sport bags; all-purpose carrying bags; backpacks; duffel bags in class 018.

3,908,601		January 18, 2011	For: Clothing, namely, t-shirts, hooded shirts and hooded sweatshirts, sweat shirts, jackets, pants, bandanas, sweat bands and gloves; headgear, namely, hats and beanies in class 025.
3,908,600		January 18, 2011	For: Stickers; sticker kits comprising stickers and decals; decals in class 016.
4,332,062		May 7, 2013	For: Silicone wrist bands; Silicone bracelets; Jewelry, namely, bracelets and wristbands in class 014.
4,011,301		August 16, 2011	For: Sports helmets; video recordings featuring sports, extreme sports, and motor sports in class 009.

3,914,828		February 1, 2011	For: Sports helmets in class 009.
4,660,598		December 23, 2014	For: Lanyards; Lanyards for holding whistles, keys, eyeglasses, sunglasses, mobile telephones, badges, identification cards, event passes, media passes, photographs, recording equipment, or similar conveniences in class 022.

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of MEC’s previously granted Motion for Entry of a Temporary Restraining Order establishes that MEC has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that MEC will suffer irreparable harm if the injunction is not granted.

Specifically, MEC has proved a *prima facie* case of trademark infringement because (1) the MONSTER ENERGY Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the MONSTER ENERGY Trademarks, and (3) Defendants’ use of the MONSTER ENERGY Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with MEC. MEC has also proved a *prima facie* case of

copyright infringement because it has demonstrated that (1) MEC is the owner of a valid and enforceable Monster Energy Copyrighted Design, and (2) Defendants, without any authorization from MEC, or any right under the law, have deliberately copied, displayed, distributed, reproduced, and/or made derivative works incorporating the Monster Energy Copyrighted Design on the Defendant Internet Stores and the corresponding Unauthorized Monster Energy Products. Furthermore, Defendants' continued and unauthorized use of the MONSTER ENERGY Trademarks and copying of the Monster Energy Copyrighted Design irreparably harms MEC through diminished goodwill and brand confidence, damage to MEC's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, MEC has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. As such, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from:
 - a. using the MONSTER ENERGY Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Monster Energy Product or not authorized by MEC to be sold in connection with the MONSTER ENERGY Trademarks;
 - b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Monster Energy Copyrighted Design in any manner without the express authorization of MEC;

- c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Monster Energy Product or any other product produced by MEC, that is not MEC's or not produced under the authorization, control or supervision of MEC and approved by MEC for sale under the MONSTER ENERGY Trademarks and/or the Monster Energy Copyrighted Design;
 - d. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Monster Energy Products are those sold under the authorization, control or supervision of MEC, or are sponsored by, approved by, or otherwise connected with MEC;
 - e. further infringing the MONSTER ENERGY Trademarks and/or the Monster Energy Copyrighted Design and damaging MEC's goodwill; and
 - f. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for MEC, nor authorized by MEC to be sold or offered for sale, and which bear any MEC trademark, including the MONSTER ENERGY Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof and/or which bear the Monster Energy Copyrighted Design.
2. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order, shall, at MEC's choosing:

- a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of MEC's selection until further ordered by this Court; or
 - b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
3. The domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap Inc. ("Namecheap"), within three (3) business days of receipt of this Order, shall take any steps necessary to transfer the Defendant Domain Names to a registrar account of MEC's selection so that the Defendant Domain Names can be redirected or disabled until further ordered by this Court.
4. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer, eBay, AliExpress, and Alibaba, web hosts, sponsored search engine or ad-word providers, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, Internet search engines such as Google, Bing, and Yahoo, and domain name registrars, including, but not limited to, GoDaddy, Name.com, PDR, and Namecheap, (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to MEC expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:
 - a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them,

- including all known contact information, including any and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;
 - c. Defendants' websites and/or any Online Marketplace Accounts;
 - d. the Defendant Domain Names or any domain name registered by Defendants; and
 - e. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon MEC's request, those in privity with Defendants and those with notice of the injunction, including the Third Party Providers as defined in Paragraph 4, shall within five (5) business days after receipt of such notice:
- a. disable and cease providing services being used by Defendants, currently or in the future, to engage in the sale of goods using the MONSTER ENERGY Trademarks and/or which bear the Monster Energy Copyrighted Design;

- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the MONSTER ENERGY Trademarks and/or which bear the Monster Energy Copyrighted Design; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.
- 6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 7. PayPal, Inc. ("PayPal") shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibits 3 and 4 to the Declaration of Bruce Kingsland, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds that are not U.S. based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 8. MEC may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), by electronically publishing a link to the

Amended Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names which are transferred to MEC's control will redirect, or by sending an e-mail to the e-mail addresses identified in Exhibits 3 and 4 to the Declaration of Bruce Kingsland and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of the Court is directed to issue a single original summons in the name of "Zheng Shuang and all other Defendants identified in the Amended Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

9. Plaintiff's Amended Complaint [10] and Exhibits 1 and 2 thereto [10-1] and [10-2], Schedule A to the Complaint [9] and the Amended Complaint [10-3], Exhibits 3 [15] and 4 [16] to the Declaration of Bruce Kingsland, and the TRO [26] are unsealed.
10. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to MEC or on shorter notice as set by this Court.
11. The \$10,000 bond posted by MEC shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

DATED: July 6, 2017



U.S. District Court Judge John Z. Lee

Monster Energy Company v. Zheng Shuang, et al.
Case No. 17-cv-04365

Schedule A

No.	Defendant Name / Alias
1	Zheng Shuang
3	zhang jike
5	tyler barr
7	sophisticatedyum.com.au
9	poitou-magazine.fr
11	nfl-malls.com
13	Malcolm Muirhead
15	Maharjan Susan
17	li ling huang
19	Lara Cerneira Carballo
21	julia cordero
23	Jamie Kavanagh
25	gogeteat.net
27	Darren Charles Raison
29	Chen Hang (2)
31	capslids.com
33	buylebron9galaxy.net
35	Andrew teague
37	0hk7446
39	2014sunqing888999
41	2cn2483
43	adiarboss
45	autobots.husa
47	baixunkeji
49	bjwang89-1
51	Car modification club Store
53	chelaichewang2016
55	chinaflavor
57	divintymotor
59	ecbuygo
61	Fashion Outdoor Sport
63	fashionfouse888

No.	Defendant Name / Alias
2	Zygfryd Szczepański
4	Wu RongXia
6	Sun Hai Xia
8	shikungem.com
10	Paul Field
12	Nan Nan Li
14	makibell.fr
16	Lisa Leonard
18	Lenna Harris
20	kang xiaoping
22	Jude Achebe
24	Hou Ping
26	gang long han
28	Chen Hang
30	Chen Dong Han
32	buylebron9galaxyonsale.com
34	andy
36	Alexina Pledger
38	1_87072
40	2016longteng
42	36liuhong369
44	atba7821
46	baidudebai
48	BestAuto Company Store
50	boutiquegroceries
52	CHAONIU CAR PRODUCTS CLUB Store
54	China Town--Auto Parts Co.,ltd
56	ckl8
58	DIYUAN Store
60	fantasticalmac
62	fashion520 Store
64	greatwallmarket

65	greenwindbellled
67	haoyunyongyuan666
69	High-end Production Store
71	hk-shuy
73	HOW-YES Store
75	huahuanle
77	iGreen B Car services Store
79	jackliaob
81	ke5558
83	laughingworld2014
85	lihongxin2012
87	lin_han62-6
89	Minason Global Shopping Store
91	mucd3288
93	ocean-stone
95	Qiaomu store
97	SageTechnology
99	Shenzhen JYC Technology Ltd.
101	showerfield
103	starfiedknight
105	sunrise20160810
107	Top Rated Car Accessories
109	vyxd9723
111	xieya668
113	yahk084
115	yqbu2852
117	zhukenci

66	Haining City Purute Racing Factory
68	HelloRacer Store
70	hk2028
72	HOMOD JEWELRY Store
74	HSpeed Store
76	Hydro arts Technology Co., Ltd.
78	Itree
80	JIAFUDEshop Store
82	lage2013
84	Leader Motor
86	lilaijewelry2
88	linjiechong
90	Modified club car Store
92	nature-sky
94	pitaya_boy
96	rgne7202
98	shengheng2012
100	shining city
102	simonzyp2010
104	stonemomy
106	super-emporium-2
108	Uni-HELMET Store
110	wuzhen568
112	xuue2132
114	yanlinghome
116	zhangruiyang8889992

No.	Defendant Marketplace URL
1	ebay.com/usr/0hk7446
3	ebay.com/usr/2014sunqing888999
5	ebay.com/usr/2cn2483
7	ioffer.com/selling/adiarboss
9	ebay.com/usr/autobots.husa
11	ebay.com/usr/baixunkeji
13	ebay.com/usr/bjwang89-1
15	aliexpress.com/store/2678136
17	ebay.com/usr/chelaichewang2016

No.	Defendant Marketplace URL
2	ebay.com/usr/1_87072
4	ebay.com/usr/2016longteng
6	ebay.com/usr/36liuhong369
8	ebay.com/usr/atba7821
10	ebay.com/usr/baidudebai
12	aliexpress.com/store/2660171
14	ebay.com/usr/boutiquegroceries
16	aliexpress.com/store/2387053
18	aliexpress.com/store/1087049

19	ebay.com/usr/chinaflavor
21	ebay.com/usr/divintymotor
23	ebay.com/usr/ecbuygo
25	aliexpress.com/store/1036324
27	ebay.com/usr/fashionfouse888
29	ebay.com/usr/greenwindbellled
31	ebay.com/usr/haoyunyongyuan666
33	8866.aliexpress.com/store/1382936
35	ebay.com/usr/hk-shuy
37	sfgmoto.aliexpress.com/store/822920
39	ebay.com/usr/huahuanle
41	aliexpress.com/store/2841021
43	ebay.com/usr/jackliaob
45	ebay.com/usr/ke5558
47	ebay.com/usr/laughingworld2014
49	ebay.com/usr/lihongxin2012
51	ebay.com/usr/lin_han62-6
53	aliexpress.com/store/2952086
55	ebay.com/usr/mucd3288
57	ebay.com/usr/ocean-stone
59	aliexpress.com/store/1950483
61	aliexpress.com/store/1046511
63	jyc-protector.en.alibaba.com
65	ebay.com/usr/showerfield
67	ebay.com/usr/starfiedknight
69	ebay.com/usr/sunrise20160810
71	aliexpress.com/store/1873926
73	ebay.com/usr/vyxd9723
75	ebay.com/usr/xieya668
77	ebay.com/usr/yahk084
79	ebay.com/usr/yqbu2852
81	ebay.com/usr/zhukenci

20	ebay.com/usr/ckl8
22	aliexpress.com/store/2793178
24	ebay.com/usr/fantasticalmac
26	aliexpress.com/store/2946105
28	ebay.com/usr/greatwallmarket
30	aliexpress.com/store/716076
32	aliexpress.com/store/2677057
34	ebay.com/usr/hk2028
36	homod.aliexpress.com/store/108627
38	hspeed.aliexpress.com/store/1267631
40	aliexpress.com/store/1707252
42	aliexpress.com/store/1228184
44	aliexpress.com/store/2683027
46	ebay.com/usr/lage2013
48	aliexpress.com/store/1895465
50	ebay.com/usr/lilaijewelry2
52	ebay.com/usr/linjiechong
54	aliexpress.com/store/2410071
56	ebay.com/usr/nature-sky
58	ebay.com/usr/pitaya_boy
60	ebay.com/usr/rgne7202
62	ebay.com/usr/shengheng2012
64	skuer.aliexpress.com/store/931463
66	ebay.com/usr/simonzyp2010
68	ebay.com/usr/stonemomy
70	ebay.com/usr/super-emporium-2
72	aliexpress.com/store/2665053
74	ebay.com/usr/wuzhen568
76	ebay.com/usr/xuue2132
78	ebay.com/usr/yanlinghome
80	ebay.com/usr/zhangruiyang8889992

No.	Defendant Domain Name
1	obizjournals.info
3	ammotin.com
5	by-lemag.com
7	sophisticatedyum.com.au

No.	Defendant Domain Name
2	xn--odzierowerowashop-0yd.com
4	newerahatswholesales.com
6	stussysnapbackcappelli.club
8	shikungem.com

9	poitou-magazine.fr
11	splashofcolours.co.uk
13	fileuppee.com
15	fmgmediation.co.uk
17	londonhoardercleaners.co.uk
19	suburbansurgical.cc
21	nightclubhoney.it
23	makkijapan.com
25	cheapsnapbackhatsda.co.uk
27	cmy668.top
29	fbcglenarden.cc
31	kenzosnapbacks.info
33	ephorus.info
35	buylebron9galaxyonsale.com
37	airskatemall.com
39	acaciatreesurgeons.co.uk

10	dlraccounting.co.uk
12	nfl-malls.com
14	odvlasica.com
16	makibell.fr
18	gitzone.co.uk
20	pumabartitsu.co.uk
22	kathylovestopaint.com
24	furniturecart.co.uk
26	springscafe.co.uk
28	gogeteat.net
30	matrix-net.co.uk
32	watibhats.info
34	capslids.com
36	buylebron9galaxy.net
38	ussenterprise.co.uk